

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES,

Plaintiff, No. CIV S-05-0518 GEB EFB

VS.

POWEREX CORP., a Canadian Corporation,  
dba POWEREX ENERGY CORP., ORDER

Defendant.

On March 18, 2009, the court heard the Motion for Protective Order filed by plaintiff California Department of Water Resources (“DRW”), and the Motion to Compel Production of Documents filed by defendant Powerex Corporation. Attorneys Gary Alexander, Todd Carter, and Annadel Almendras appeared on behalf of plaintiff; J. Clifford Gunter III, Andrew , John Mason, and Deanna King appeared on behalf of defendant.

22 For the reasons stated on the record, the court granted in part, and denied in part,  
23 plaintiff's motion for protective order, which sought to limit the scope of questions posed by  
24 defendant's Amended Notice of Rule 30(b)(6) Deposition. The Notice lists thirty topics, and is  
25 directed to DRW. The deposition with respect to Topic 25 (DRW's organizational structure) has  
26 already been held, and that matter is not at issue. The court ordered that depositions on the

1 remaining topics shall initially be taken only from representatives of DRW's California Energy  
2 Resources Scheduling division ("CERS"). Topics 1 through 24 shall be examined with the goal  
3 of obtaining relevant facts rather than legal theories or conclusions. Topic 26 shall be reworded  
4 by defendant to seek information about the relationship of the California Independent System  
5 Operation ("CAISO") with CERS, rather than DRW. Topics 27 through 30 shall be limited to  
6 the conduct and policies of CERS rather than DRW. Only after all designated CERS  
7 representatives have been deposed, shall depositions of other DRW representatives proceed,  
8 provided such additional depositions are necessary to obtain relevant information responsive to  
9 the topics set forth in defendant's deposition notice.

10       The court submitted defendant's motion to compel production of documents, and will  
11 address those matters in a later decision. If the court determines that additional oral argument  
12 would be helpful, it will so notify the parties.

13       Accordingly, IT IS HEREBY ORDERED that:

14       1. Plaintiff's motion for protective order, Dckt. No. 117, is granted in part and denied in  
15 part; and

16       2. Defendant's motion to compel, Dckt. No. 113, remains submitted for later decision.

17       IT IS SO ORDERED.

18 DATED: March 23, 2009.



19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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